

July 15, 2014

The Honorable Justice Janet L. Sanders

Superior Court of Suffolk County

3 Pemberton Square

Boston, MA 02108

Re: Partners Health Care Proposed Settlement

Dear Judge Sanders:

I am writing to express opposition to the above referenced settlement. Why?

First, it amounts to price controls. Under what legal authority can the Attorney General set price controls in health care? Functionally, there is ample evidence that such controls rarely work as intended. Partners already enjoys a major price/reimbursement advantage over competitors. This advantage will be maintained as only future price increases are constrained. Further, the proposal grants increases equal to inflation, which I maintain will be as good, if not better than, what other providers will receive. Why? They do not have the market leverage and the insurers will have to find the savings from those competitors for increases they give Partners.

Second, the proposal limits Partners' ability to acquire physician groups but sets no such limits on physician employment on an individual basis (see section 105). They should be constrained from increasing physician numbers absolutely. This will not be a hardship as the new health care delivery system will focus on ancillary providers, tele medicine and enhanced self-care opportunities.

Third, why have no insurers protested this settlement? Why is Blue Cross silent? As a not for profit, their subscribers' interests should be paramount. This proposal does not serve consumers well. Perhaps the significant market influence of Partners is impacting the silence of the insurers.

Fourth, why did the Attorney general disregard the recommendations of the Health Policy Commission? That group was specifically formed to constrain costs. They strongly urged that the mergers not go forward. Shouldn't their views be considered more seriously?

The only viable options for true cost and price constraint are competition and price transparency. This proposal will accomplish neither and will concretize anti-consumer behavior. Please deny the proposal.

Sincerely,



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